

EXHIBIT 11



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/008,104	09/15/2006	6023683	64121.000014	2837
70813	7590	01/08/2009	EXAMINER	
GOODWIN PROCTER LLP 901 NEW YORK AVENUE, N.W. WASHINGTON, DC 20001			ART UNIT	PAPER NUMBER

DATE MAILED: 01/08/2009

Please find below and/or attached an Office communication concerning this application or proceeding.



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LEE PATCH, ESQ.
DAY CASEBEER MADRID & BATCHELDER
20300 STEVENS CREEK BLVD., SUITE 400
CUPERTINO, CA 95014

MAILED

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CENTRAL REEXAMINATION UNIT

***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/008,104.

PATENT NO. 6023683.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

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data relating to a selected matching item and an associated source to data relating to an item and a different source”. Further, the Patent Owner argues that the modification of fields described on pages 4-26 and 4-28, “deal with modifying fields in the requisition”, as the “purchase order has not yet been created”, therein being out of sequence with the steps of claim 26. However, the examiner notes that the claimed order of the limitations is not required to be in that specific order, as argued by the Patent Owner.

55. In this regard MPEP 2111.01 [R-5] states in part:

Altiris Inc. v. Symantec Corp., 318 F.3d 1363, 1371, 65 USPQ2d 1865, 1869-70 (Fed. Cir. 2003) (Although the specification discussed only a single embodiment, the court held that it was improper to read a specific order of steps into method claims where, as a matter of logic or grammar, the language of the method claims did not impose a specific order on the performance of the method steps, and the specification did not directly or implicitly require a particular order).

56. Thus, in the instant case, there is no requirement in the current claim language that the converting step occurs after a purchase order is generated. Particularly, the claim states “converting data relating to a selected matching item and an associated source to data relating to an item and a different source”. Nothing in this limitation states or requires that the converting is to occur after the purchase order is generated. If the Patent Owner wishes that this feature be considered, then the claim must be amended accordingly.

57. Continuing, the Patent Owner argues that there is no teaching that the system performs any conversion, as the conversion must be entered manually. However, as the claims are

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currently worded, there is no specific requirement that the “converting” is an automatic conversion done automatically by a system. If the Patent Owner wishes that this feature be considered, then the claim must be amended accordingly.

58. As seen on pages 4-26 through 4-28, the Gateway 2000/MRO Manual describes a “Requisition Maintenance” function, and states that “Any field (other than the requisition number) can be changed through requisition maintenance.” With this, the “Requisition Maintenance” function allows for converting data relating to a selected matching item to data relating to an item and a different source, as a primary vendor can be changed to a secondary vendor, with both being seen on page 12-3, by converting the vendor ID numbers, seen on page 4-27, as well as on pages 4-8 and 4-9.

59. Regarding dependent *claims 29 and 30*, the Patent Owner argues on page 75 that the Gateway 2000/MRO Manual fails to teach of “determining whether a selected matching item is available in inventory” as well as “determining the applicable price of a selected matching item”. As noted above in the discussion of claim 26, the Gateway 2000/MRO Manual describes “determining whether a selected matching item is available in inventory.” Continuing, the Patent Owner argues that the Gateway 2000/MRO Manual does not teach of the system being able to recognize or use any applicable price for an item. As described by the Patent Owner, the Gateway 2000/MRO Manual teaches on page 4-8 that prices are entered into the system and can compute sales tax on those prices. This effectively can be interpreted as teaching “determining the applicable price of a selected matching item”, as the applicable price for the specific item is